



International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association

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December 13, 2002

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re Docket No. 94P-0036
Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims,
and Health Claims; Reopening of the Comment Period
67 FR, 69171 (November 15, 2002)

Dear Sir or Madam:

The International Dairy Foods Association (IDFA) appreciates the opportunity to comment on the proposed rule "Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims and Health Claims" during the reopening of the comment period. These comments are submitted on behalf of IDFA and its constituent organizations, the Milk Industry Foundation, the International Ice Cream Association, and the National Cheese Institute. The approximately 525 member companies of these associations operate more than 1550 processing and manufacturing plants, accounting for 85% of the dairy products consumed in the United States.

Proposed Rule

IDFA does not support adding a trans fat footnote to the Nutrition Facts panel. Since many labels are relatively small and must contain a great deal of information, IDFA believes that the Food and Drug Administration (FDA) should only require the most important information on a product's label. A footnote would be more confusing to consumers than helpful.

A footnote would not help consumers limit their intake of trans fats. IDFA supports the decision of the Food and Nutrition Board of the Institute of Medicine not to set a Recommended Dietary Allowance for trans fats. However, without a Recommended Dietary Allowance or Upper Limit, there is no foundation for the Percent Daily Value content of different products, leaving the public with no reference for comparing the trans fat. While the footnote would tell consumers that "Intake of trans fat should be as low as possible," it does not define what is considered a low intake of trans fat.

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The footnote would cause further confusion to consumers because it indicates that all trans fats are unhealthy by grouping them together, but studies have concluded some trans fats, such as conjugated linoleic acids (CLA) have positive health effects. The Institute of Medicine report released in July 2002 acknowledged emerging research that indicates that conjugated linoleic acids can reduce fat storage in fat cells and inhibit the onset of cancer. An article recently published in the Bulletin of the International Dairy Federation highlighted the positive health effects of conjugated linoleic acids, including anticarcinogenic effects, antiatherogenic effects, reduction of fat mass and increase of lean mass, increase in antibodies, and normalization of glucose tolerance.

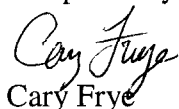
The scientific community is still studying the effects of CLA and IDFA believes that until a scientific consensus emerges, CLA should not be regulated the same as other trans fats. For example, in the November 2002 issue of the Journal of the American Dietetic Association, Martha Belury, PhD, RD, of The Ohio State University, highlights the positive health effects of conjugated linoleic acids and cautions that "if trans-fatty acids are grouped together as one structural entity, as is proposed for labeling by the FDA panel, there exists the possibility for mass confusion and misinformation, especially as we continue to unravel the links of each isomeric structure to physiological effects." IDFA strongly urges FDA to continue the exclusion of CLAs from mandatory labeling. The recommendation to limit intake of all trans fats, regardless of their positive or negative effect, will only further confuse consumers.

The proposed footnote on trans fats potentially sets a precedent for labeling of other nutrients on the Nutrition Facts panel. If FDA requires an explanatory footnote for trans fat, some could seek similar requirements for footnotes for sodium, total fat, and saturated fat to warn consumers to limit consumption of these nutrients. Since FDA has no Daily Value for polyunsaturated fats and monounsaturated fats, footnotes may be added to recommend intake levels for these fats. IDFA would oppose these footnotes, too, for the same reasons we oppose the trans fat footnote proposal. They would require additional space on already crowded labels and may not provide helpful information to consumers.

The Nutrition Facts panel continues to be an important way the food industry communicates to consumers. However for the label to remain a helpful resource, it must continue to include only the most important information, must be clear, and cannot become confusing. The footnote regarding trans fat intake will be both confusing and unhelpful to consumers; therefore it should not be required on the Nutrition Facts panel.

IDFA appreciates the opportunity to comment on the proposed footnote and would welcome the opportunity to discuss these issues. We would be glad to answer any questions or provide any additional information.

Respectfully submitted,



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